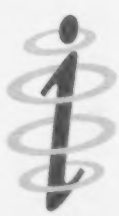
2012-13 ANNUAL REPORT

Office of the Information and Privacy Commissioner for British Columbia



Office of the
Information &
Privacy Commissioner
for British Columbia

Protecting privacy. Promoting transparency.

Established in 1993, the Office of the Information and Privacy Commissioner (OIPC) provides independent oversight and enforcement of B.C's access and privacy laws, including:

The *Freedom of Information and Protection of Privacy Act* (FIPPA), which applies to over 2,900 public bodies, including ministries, local governments, schools, crown corporations, hospitals, municipal police forces, and more

The *Personal Information Protection Act* (PIPA), which applies to over 300,000 private organizations, including businesses, charities, associations, trade unions and trusts

The Commissioner has the power to:

- **Investigate, mediate and resolve** appeals concerning access to information disputes, including issuing binding orders;
- **Investigate and resolve** privacy complaints;
- Initiate Commissioner-led **investigations and audits** of public bodies or organizations, if there are reasonable grounds of non-compliance or if it is in the public interest;
- **Comment on the access and privacy implications** of proposed legislation, programs or policies;
- Comment on the **privacy implications of new technologies**;
- **Conduct research** into anything affecting access and privacy rights;
- **Educate the public** about their access and privacy rights and the relevant laws.

In 2011, the Commissioner created an External Advisory Board to enhance the Office's research, public education and policy work, and to assist in identifying emerging issues affecting access and privacy. The current board members are:

- **Dr. Colin Bennett,** Department of Political Science, University of Victoria
- **Heather Black,** former Assistant Privacy Commissioner for Canada
- **Dr. Peter Chow-White,** School of Communication, Simon Fraser University
- **Dr. David Flaherty,** former B.C. Information and Privacy Commissioner
- **Dr. Ben Goold,** Faculty of Law, University of British Columbia
- **Drew McArthur,** McArthur Consulting Group
- **Dirk Ryneveld QC,** McConnan Bion O'Connor & Peterson

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July, 2013

The Honourable Linda Reid
Speaker of the Legislative Assembly of British Columbia
Room 207, Parliament Buildings
Victoria, BC V8V 1X4

Honourable Speaker:

In accordance with s. 51 of the *Freedom of Information and Protection of Privacy Act* and s. 44 of the *Personal Information Protection Act*, I have the honour to present the Office's Annual Report to the Legislative Assembly.

This report covers the period from April 1, 2012 to March 31, 2013.

Yours sincerely,

Elizabeth Denham
Information and Privacy Commissioner for British Columbia

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COMMISSIONER'S MESSAGE

The year 2013 marks the 20th anniversary of the enactment of B.C's *Freedom of Information and Protection of Privacy Act*. This important milestone in our province's history gives us pause to examine our past, but also to look to the future.

While the principles and the values underlying our legislation have endured, the challenges to information and privacy rights have grown both in scale and complexity. Big data, GPS navigation, mobile devices, and facial recognition are just a few examples of new technologies that can collect detailed information about the day-to-day activities of individuals.

WHILE THE PRINCIPLES AND THE VALUES UNDERLYING OUR LEGISLATION HAVE ENDURED, THE CHALLENGES TO INFORMATION AND PRIVACY RIGHTS HAVE GROWN IN BOTH SCALE AND COMPLEXITY. NEW APPROACHES, NEW TOOLS AND NEW STRATEGIES ARE NECESSARY TO ADDRESS THESE CHALLENGES.

New approaches, new tools and new strategies are necessary to address these challenges. Our office has shifted focus to audits of technological systems, a systemic approach to privacy and information management, and a vigorous defence of privacy in the face of ever-evolving surveillance technologies to ensure that citizens can continue to exercise their information and privacy rights.

Public bodies must be a primary focus of my office's efforts in this regard. As they seek to serve citizens in innovative ways, these public bodies are looking for efficiencies in how they design and deliver services, and searching for new approaches to deliver programs. Sharing and linking personal information is an increasingly critical part of their approach.

Unlike the private sector, where consumers largely still have a degree of choice about where and with whom they share their personal information, we do not have a choice when dealing with government. Citizens do not get to decide whether to provide personal information in exchange for health care, or services like a driver's licence or passport; rather, it is a condition of entry.

It is therefore imperative that public bodies implementing new information systems – like the BC Services Card, Integrated Case Management and other integrated programs – provide these services while protecting privacy. Independent oversight is vital as these programs are developed, and my office will continue to provide that oversight in the months and years to come.

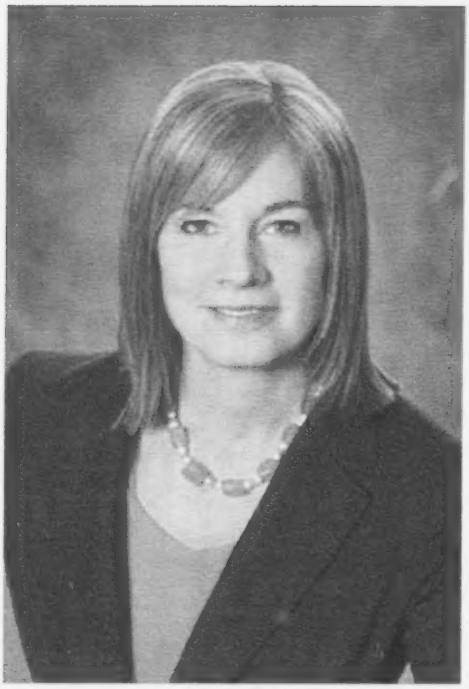
The year 2013 also marks the halfway point of my six-year term as Information and Privacy Commissioner. The office has seen many changes in the past three years. We have put an increased emphasis on privacy awareness, advocacy and enforcement. We have reorganized staff resources to allow for more proactive reviews and systemic investigations on issues that matter to citizens. We are reaching out beyond our borders and partnering with other jurisdictions to educate and enforce our laws. And we have put an increased focus on education, outreach and training to help public bodies and organizations comply with the legislated requirements.

Going forward, we must ensure that our laws are strong enough to address the unique challenges we face today, while continuing to protect the right to privacy and access to information for future generations.

This October, my office will be hosting a two-day conference to celebrate our past and talk about what reforms are necessary for the future. *Privacy and Access 20/20: A New Vision for Information Rights* will offer thought-provoking content from privacy, access and technology experts from academia, industry, civil society and government. For more information about the conference, visit **privacyandaccess2013.ca**.

What reform do I hope to see in the coming years? I hope to see public bodies and private organizations make meaningful investments in privacy management. I hope to see government legislate a duty to document its key actions and decisions, and to properly archive them to create a lasting record for future generations. I hope to see an increase in open information and open data available to the public. I look forward to working with government and citizens to advance these important policy issues.

In closing, I would like to acknowledge the dedication of my staff and the support of my Assistant Commissioners, Jay Fedorak and Michael McEvoy. We are a small team with a big mandate, and our passion for information and privacy rights fuels our progress and achievements. We will work hard to ensure that British Columbians can continue to exercise these rights in the years to come.



GOING FORWARD, WE MUST ENSURE THAT OUR LAWS ARE STRONG ENOUGH TO ADDRESS THE UNIQUE CHALLENGES WE FACE TODAY, WHILE CONTINUING TO PROTECT THE RIGHT TO PRIVACY AND ACCESS TO INFORMATION FOR FUTURE GENERATIONS.

Sincerely,

Elizabeth Denham
Information and Privacy Commissioner for B.C.

HIGHLIGHTS 2012-13

GETTING ACCOUNTABILITY RIGHT

The OIPC partnered with its counterparts in Alberta and Ottawa to publish a new guidance document called, *Getting Accountability Right with a Privacy Management Program*. Tailored to the private sector, the document gives organizations step-by-step instructions on how to implement comprehensive privacy management. The BC office is using the accountability document in its investigative and audit work and will release complementary guidance for the public sector in 2013.

THE OIPC CONTINUES TO ADDRESS THE ACCESS AND PRIVACY IMPLICATIONS OF NEW AND EMERGING TECHNOLOGIES.

PRACTICAL GUIDANCE ON ACCESS, PRIVACY AND TECHNOLOGY

The OIPC continues to address the access and privacy implications of new and emerging technologies. The office has published guidance for cloud computing in the public sector and the private sector (in partnership with Alberta and the federal privacy commissioner), privacy guidance for mobile app developers (in partnership with the federal office), and guidance for public bodies on the use of personal email accounts for public business. This year the OIPC issued its first binding orders on the use of GPS technology in the workplace. And a forthcoming report will evaluate the BC Government's open information and open data initiatives.

PROMOTING OPEN DATA LITERACY

For Right to Know Week, the OIPC partnered with the Libraries and Literacy Division of the Ministry of Education and the Libraries Cooperative to host an open data learning summit in Vancouver. The day-long workshop featured keynotes, panel discussions and online conversations about how to promote leadership and literacy in the open data movement, with a focus on librarians, archivists and information managers.

PRIVACY AND HEALTH RESEARCH

In response to allegations that privacy was a barrier to health research, the OIPC held a health research roundtable attended by data stewards, researchers and Members of the Legislative Assembly. The roundtable established that privacy and research are partners, not adversaries, in the pursuit of better health outcomes and that participants need to work together to identify ways to facilitate health research in future. A written report of the roundtable is available on the OIPC website (oipc.bc.ca).

PROACTIVE REVIEW OF NEW INFORMATION SYSTEMS

A significant part of the OIPC's work is to review information systems under development in the public sector before they are implemented. These systems involve the sharing of personal information among multiple public bodies. Some of the examples of the programs reviewed in the last year are the integrated corrections operations network (ICON), the B.C. Services Card, and the Integrated Case Management System.

WEBSITE AND SOCIAL MEDIA

Much work has been done to enhance the OIPC's online presence in the past year. We launched a new website with improved functionality including advanced search, RSS feeds, landing pages for key audience groups, and a mobile site. The office has also entered the world of social media – after seven months @BCInfoPrivacy has more than 300 followers on Twitter.

IN 2012-13 THE OIPC LAUNCHED A NEW WEBSITE WITH IMPROVED FUNCTIONALITY INCLUDING ADVANCED SEARCH, RSS FEEDS AND A MOBILE SITE.

INVESTIGATION REPORTS

The Commissioner has the legal authority to investigate the programs, policies or information systems of public bodies and private organizations to assess compliance with access and privacy laws. Where there is a public interest in doing so, the Commissioner can publish a detailed investigation report that describes the scope of the investigation, makes findings of law and recommends changes to an organization's policies or practices. The following investigation reports were published by the OIPC in 2012-13:

"NO RESPONSIVE RECORDS" REPLIES TO ACCESS TO INFORMATION REQUESTS

The Freedom of Information and Privacy Association filed a complaint citing significant growth in "no responsive records" replies to general access to information requests by the BC Government over a 10-year period. At the same time, the OIPC received five complaints about the lack of records regarding the resignation of the Premier's former Chief of Staff.

These complaints were combined into a comprehensive investigation that sought to identify the reason for the increase in "no responsive records" replies, and to determine whether government was assisting applicants as required by section 6(1) of the *Freedom of Information and Protection of Privacy Act* (FIPPA).

While there was no single reason behind the increasing number of "no responsive records" replies, the Commissioner identified several factors including the centralization of freedom of information processing, an above-average number of media requests resulting in "no responsive records", and a high rate of "no responsive records" replies by the Office of the Premier.

The investigation also uncovered evidence of "oral government," a practice where business is undertaken verbally and no records are created. The Commissioner recommended a legislated duty to document, to ensure the key actions and decisions of government are documented and archived for future generations.

The Ministry of Technology, Innovation and Citizens' Services has accepted the Commissioner's recommendations aimed at improving access to information processes in government. In 2016, the Commissioner will ask the Special Committee to Review FIPPA to consider a legislated duty to document if government has not already addressed this issue.

THE MINISTRY OF TECHNOLOGY, INNOVATION AND CITIZENS' SERVICES HAS ACCEPTED THE COMMISSIONER'S RECOMMENDATIONS AIMED AT IMPROVING ACCESS TO INFORMATION PROCESSES IN GOVERNMENT.

AUTOMATED LICENCE PLATE RECOGNITION (ALPR)

The Commissioner initiated an investigation into the use of ALPR by the Victoria Police Department (VicPD) to understand how the technology is being used and its impact on personal privacy.

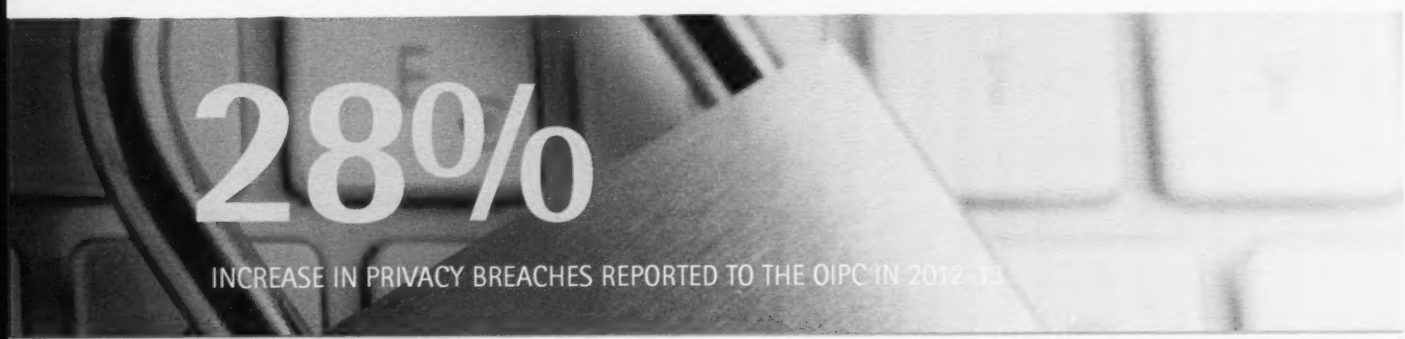
The ALPR system is maintained by the RCMP. Using cameras mounted to squad cars, police use ALPR to photograph, scan and record licence plate numbers, including time and geographic location. The ALPR system compares this data to an on-board database of plate numbers provided by the RCMP called an "alert listing." A "hit" occurs when there is a match between a licence plate scan and the alert listing. If there is no match, the item is categorized as a "non-hit."

At the end of a shift, a "daily scan" record is returned to the RCMP, which contains the personal information of every registered owner of a vehicle scanned by the ALPR system. This record contains information related both to hits and to non-hits. At the time of the investigation, media reports indicated that law enforcement agencies were discussing the possibility of retaining non-hit data in future.

The Commissioner ruled that the disclosure of non-hit data by VicPD to the RCMP contravened FIPPA, as this information no longer served a law enforcement purpose. She recommended the ALPR system be reconfigured to delete non-hit data immediately. The Commissioner also established that future use or disclosure of non-hit data by municipal police would not be authorized under B.C. law.

In response to the OIPC's investigation report, the RCMP has reconfigured the in-car computer to delete non-hit information at the end of an ALPR officer's shift. This reconfiguration is being implemented province-wide, for both municipal and RCMP police departments. The information associated with obsolete hits is also now being deleted on the RCMP ALPR database. The Ministry of Justice and the RCMP have also updated their description of the ALPR program to more accurately reflect the mandate and purpose of the program. The RCMP has clarified that most of the sub-categories included the Other Pointer Vehicle CPIC category are not linked to a license plate, and therefore cannot result in a hit on the ALPR system. The OIPC continues to consult with VicPD and the RCMP to further refine the information collected by VicPD in the Other Pointer Vehicle ALPR hit category, in order to ensure that it is relevant to the mandate and purpose of ALPR.

IN RESPONSE TO THE OIPC'S INVESTIGATION REPORT, THE RCMP HAVE ALTERED THE ALPR SYSTEM ACROSS B.C. SO THAT NON-HIT DATA IS DELETED AND NO LONGER DISCLOSED.



INVESTIGATION REPORTS

EMPLOYMENT-RELATED CRIMINAL RECORD CHECKS

This report focused on the use of employment-related record checks by the B.C. Government – the province's largest employer – due to an expansion of its security screening policy. Government's changes to the policy had resulted in more current and prospective employees receiving criminal record checks on a more frequent basis.

THE PUBLIC SERVICE AGENCY HAS ACCEPTED THE COMMISSIONER'S RECOMMENDATIONS AND IS IN THE PROCESS OF IMPLEMENTING IMPROVEMENTS TO ITS SECURITY SCREENING POLICY.

The Commissioner found that the Government's policy contravened FIPPA in that it failed to achieve the balance required between its business needs as an employer and the privacy rights of its employees.

The Commissioner made eight recommendations to update government's practices and bring them into compliance with FIPPA, including that government make changes to its policy to narrow the categories of positions that would receive a criminal record check and eliminate routine re-checks every five years. The Commissioner also recommended that government report publicly on its use of criminal record checks for employees on an annual basis. The report included best practices for employment-based record checks by public agencies.

The Public Service Agency has accepted the Commissioner's recommendations and is in the process of implementing improvements to its security screening policy. Government will consult with the Commissioner's office as it moves forward with the development of enhanced security screening measures for employees.

92%

INCREASE IN TIME EXTENSION REQUESTS RECEIVED IN 2012-13

THE BC SERVICES CARD

The first program of its kind in Canada, the BC Services Card is a joint initiative of the Ministry of Health, ICBC and the Ministry of Technology, Innovation and Citizens' Services. The program will collect, use, and disclose the personal information of virtually every British Columbian. Future phases could enable multiple government services to be accessed online.

In 2012-13, the OIPC completed a review of Phase 1 of the BC Services Card, which is limited to the enrollment of individuals and issuance of the card, built around a provincial Identity Assurance Service. The review included an examination of the legal authorities for sharing data, and a review of the technological systems and security measures in place to protect personal information.

The OIPC determined that the issuance of the BC Services Card and the initial systems needed to support it meet legal requirements. However, the office made several recommendations to enhance the existing privacy and security provisions for Phase 1 of the Card. The Ministry has accepted these recommendations.

Phase 2 will be a significantly larger step that brings with it considerable risks to personal privacy, in that there is the potential for data linkages to connect an individual's discrete activities across multiple platforms. The OIPC's major recommendation is that going forward the government should conduct a thorough public consultation with British Columbians before the BC Services Card program proceeds to Phase 2. The government accepted this recommendation and is now consulting with our office concerning the nature and scope of the consultation process.

In addition, the OIPC will conduct quarterly reviews over the next year to verify that proposed security measures outlined in Phase 1 are being implemented. The office will also complete a thorough review of Phase 2.

Summary of OIPC recommendations for Phase 1 of the BC Services Card:

- The Ministry of Technology, Innovation and Citizens' Services should develop a retention policy for access and audit logs.
- A higher level of encryption (256 bit) should be used to protect personal information in transit.
- The transfer of personal information should be protected by payload encryption.
- New parties to the BC Services Card should be required to demonstrate the adequacy of their privacy management programs to the Ministry before entering into this initiative.
- The BC Government should undertake a fulsome public consultation on the BC Services Card, to establish public knowledge and trust in its benefits and potential risks to personal privacy, before Phase 2 begins.

IT IS CRITICAL THAT THE BC SERVICES CARD BE BUILT WITH ROBUST PRIVACY PROTECTION BY DESIGN.

GETTING ACCOUNTABILITY RIGHT

GETTING ACCOUNTABILITY RIGHT WITH A PRIVACY MANAGEMENT PROGRAM

The principle of accountability – the idea that an organization is legally responsible for the personal information it collects – is at the heart of Canada's privacy laws. While it has never been difficult to get organizations to say they are accountable for their information practices; the issue is how to get those organizations to demonstrate accountability in practice.

BY IMPLEMENTING PRIVACY MANAGEMENT, BUSINESSES CAN DEMONSTRATE TO CUSTOMERS, CLIENTS AND REGULATORS THEY ARE COMMITTED TO PRIVACY, WHICH CAN ENHANCE THEIR REPUTATION AND BUILD TRUST IN THOSE RELATIONSHIPS.

To address this issue, the Federal, British Columbia and Alberta Privacy Commissioners created a guidance document to help private sector organizations understand privacy management, and also give them the tools to make it happen.

Getting Accountability Right with a Privacy Management Program is a roadmap to sound data governance. The paper is a practical, workable and scalable framework to help businesses achieve demonstrable accountability and better protect personal information.

The paper takes a building block approach to privacy management, beginning with an **organizational commitment** to privacy, followed by the implementation of **program controls** as well as **ongoing review and updates**.

By implementing these building blocks, businesses can demonstrate to customers, clients and regulators they are committed to privacy, which can enhance their reputation and build trust in those relationships.

The OIPC has begun to use this tool in its enforcement work. A privacy management program lens has been applied to several investigation reports, including the BC Hydro smart meter report, a privacy breach at the University of Victoria and an examination of facial recognition technology by the Insurance Corporation of British Columbia.

The work on accountability continues into 2013, when B.C. will release complementary guidance for the public sector.

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MEETINGS WITH PUBLIC BODIES AND PRIVATE ORGANIZATIONS IN 2012-13

YEAR IN NUMBERS

There has been a 25% decline in the number of **complaints** received by our office in the past year. While there is no single explanation for the change, we have identified several contributing factors that could account for the change, including:

- A new triage system and a strengthened "refer back" policy requires individuals to take their complaint to the public body or organization before filing a formal complaint with the OIPC;
- A higher number of complaints are being resolved informally upon contact with our office;
- Public education and outreach, combined with increasing levels of awareness of the legal requirements set out in FIPPA and PIPA, is resulting in a greater level of compliance by public bodies and private organizations.

THE OIPC OPENED A TOTAL OF 7,247 FILES IN 2012-13 – A 7% INCREASE OVER LAST YEAR.

The number of **policy or issue consultations** increased by 34% in 2012-13 and has more than doubled in the past two years. This trend is in line with the office's objective to promote proactive compliance with access and privacy laws among public bodies and private organizations. It is our expectation that this number will continue to increase, as organizations consult our office prior to implementing new projects, programs and systems to manage personal information.

The number of **time extension requests** made by public bodies to the OIPC relating to access to information requests has increased by 92%. This is a significant increase. Our office has been working with public bodies to develop strategies for responding on time, and we have raised awareness, particularly with ministries, of circumstances where they can apply for a time extension. However, public bodies must only make time extension requests on the grounds that FIPPA permits. Our office is actively monitoring this trend and if it continues, we will investigate in order to identify the root cause of the increase.

This year also saw a 28% increase in the number of **privacy breaches** reported to the OIPC, the same increase as last year. While there currently is no legislative requirement for reporting breaches to our office, more public bodies and organizations are reporting breaches to our office and seeking advice on containing the breach and notifying affected individuals.

The number of **media inquiries** has increased by 62% over last year. The majority of these inquiries are in response to investigation reports being released or announced by the Commissioner. The OIPC has responded to this increase by devoting additional resources to communications, public education and outreach activities.

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NUMBER OF PRIVACY IMPACT ASSESSMENTS RECEIVED IN 2012-13

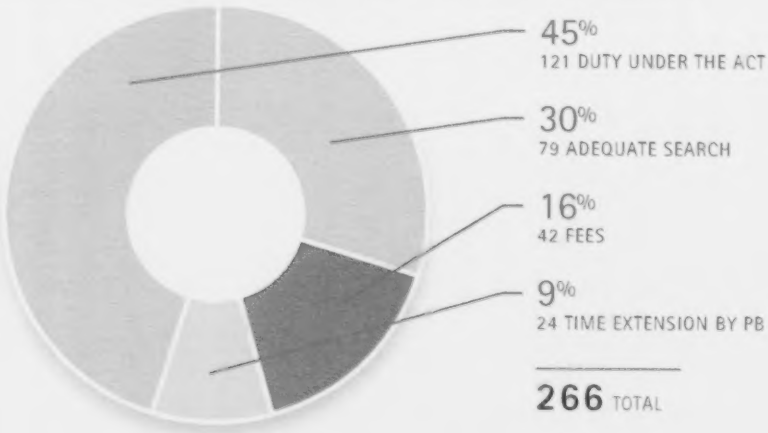
YEAR IN NUMBERS

SUMMARY OF ALL FIPPA AND PIPA FILES RECEIVED IN 2012-13

THIS TABLE SUMMARIZES ALL FILES RECEIVED AND OPENED BY THE OIPC IN THE FISCAL YEAR 2012-13.

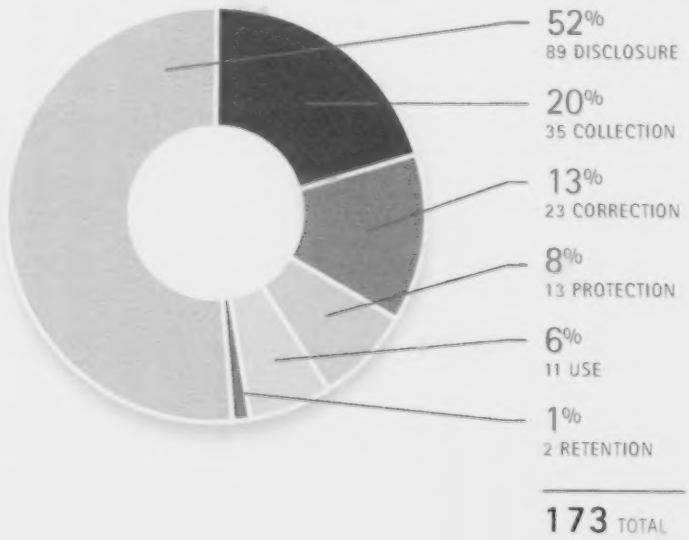
FILE TYPE	RECEIVED 12/13	RECEIVED 11/12	RECEIVED 10/11
Complaints			
Access complaints	266	316	382
Privacy complaints	173	252	181
Requests for review			
Requests for review of decisions to withhold information	618	570	539
Applications to disregard requests as frivolous or vexatious	8	6	4
Time extensions			
Requests by public bodies and private organizations	735	382	352
Requests by applicants seeking a review	17	14	18
Reconsideration of decisions			
Internal reconsideration of OIPC decisions	16	31	21
Adjudication (court review of OIPC decisions)	1	0	0
Information requested			
Requests for information and correspondence received	4,346	4,353	3,744
Media inquiries	209	126	92
FOI requests for OIPC records	31	18	15
Non-jurisdictional issue	19	7	26
No reviewable issue	132	123	127
Files initiated by public bodies and private organizations			
Privacy impact assessments	21	16	7
Privacy breach notification	106	83	65
Public interest notification	17	21	16
Policy or issue consultation	137	102	62
Police Act (Independent Investigations Office) reports	5	-	-
Request for contact information for research purposes	2	3	0
OIPC initiatives			
Investigations	7	5	9
Legislative reviews	56	55	36
Projects	160	150	32
Public education and outreach			
Speaking engagements and conferences	99	105	56
Meetings with public bodies and private organizations	59	43	17
Site visits	1	1	3
Other	6	4	5
TOTAL	**7,247**	**6,783**	**5,809**

TYPE OF ACCESS COMPLAINTS RECEIVED IN 2012-13



30% OF ACCESS COMPLAINTS RECEIVED BY THE OIPC IN 2012-13 WERE ABOUT ADEQUATE SEARCH FOR RECORDS.

TYPE OF PRIVACY COMPLAINTS RECEIVED IN 2012-13



MORE THAN HALF OF ALL PRIVACY COMPLAINTS RECEIVED BY THE OIPC IN 2012-13 WERE ABOUT THE DISCLOSURE OF PERSONAL INFORMATION.

YEAR IN NUMBERS

NUMBER OF FIPPA COMPLAINTS AND REQUESTS FOR REVIEW RECEIVED IN 2012-13 BY PUBLIC BODY

PUBLIC BODY	COMPLAINTS RECEIVED	REQUESTS FOR REVIEW RECEIVED	TOTAL
Insurance Corporation of British Columbia	21	49	70
Vancouver Police Department	9	28	37
Ministry of Children and Family Development	13	20	33
Vancouver Island Health Authority	16	16	32
Victoria Police Department	7	15	22
Ministry of Justice and Attorney General	8	13	21
Ministry of Tourism	7	14	21
Worksafe BC	16	5	21
Min of Finance	7	13	20
City of Victoria	11	8	19
Top 10 totals	115	181	296
All other public bodies	215	379	594
TOTAL	330	560	890

35% OF ALL COMPLAINTS AND 32% OF ALL REQUESTS FOR REVIEW RECEIVED BY THE OIPC UNDER FIPPA IN 2012-13 NAMED THESE TEN PUBLIC BODIES.

The majority of ICBC requests for review are filed by lawyers performing due diligence on behalf of clients involved in motor vehicle accident lawsuits. As with ICBC, the number of requests for review and complaints against a public body is not necessarily indicative of non-compliance, but it may be a reflection of its business model or quantity of personal information involved in its activities.

As an independent Officer of the Legislature, the Information and Privacy Commissioner ensures that citizens have recourse if they feel their rights to access or privacy have been compromised. Much of our office's work focuses on resolving complaints about the information practices of public bodies (FIPPA) and private organizations (PIPA), or requests for review of an access to information decision. Mediation is our primary tool to address the complaints and requests for review our office receives.

The number of complaints or requests for review against a public body or private organization is not necessarily indicative of non-compliance; it may be a reflection of a business model or the quantity

NUMBER OF PIPA COMPLAINTS AND REQUESTS FOR REVIEW RECEIVED IN 2012-13 BY SECTOR

SECTOR	COMPLAINTS RECEIVED	REQUESTS FOR REVIEW RECEIVED	TOTAL
Services	29	11	40
Health	25	15	40
Accommodations	18	7	25
Financial	10	5	15
Sales and Retail	6	6	12
Transportation	5	3	8
Manufacturing and Construction	3	4	7
Education	5	2	7
Agriculture, Forestry, Fishing & Hunting, Mining	3	4	7
Internet	2	0	2
Other	2	0	2
Entertainment	0	1	1
Professionals	1	0	1
TOTAL	109	58	167

THE SERVICES SECTOR (INCLUDING HOUSING CO-OPS, LABOUR UNIONS, RELIGIOUS SERVICES, ADMINISTRATIVE SUPPORT AND UTILITIES) ACCOUNTS FOR 24% OF ALL COMPLAINTS AND REQUESTS FOR REVIEW RECEIVED BY THE OIPC UNDER PIPA IN 2012-13.

of personal information involved in its activities. For example, the majority of requests for review files against the Insurance Corporation of British Columbia are filed by lawyers performing due diligence on behalf of clients.

To maximize our efficiency in handling requests for review and complaints, we examine every opportunity for an expedited resolution. Our Intake team, as the front line fielding phone calls and correspondence, are always alert to opportunities to resolve a matter on the spot. They use their experience and reference resources to redirect non-jurisdictional matters elsewhere or to stickhandle simple solutions.

YEAR IN NUMBERS

OUTCOME OF ACCESS COMPLAINTS RESOLVED IN 2012-13, FIPPA

TYPE	INVESTIGATION	NO INVESTIGATION	HEARING OR REPORT	TOTAL
Adequate Search	40	32	0	72
Duty	75	25	2	102
Fees	24	12	0	36
Time Extension by PB	17	4	0	21
TOTAL	156	73	2	231

"Investigation" includes files that were mediated, not substantiated, partially substantiated, and substantiated. "No investigation" includes files referred back to public body, withdrawn, or files the OIPC declined to investigate. "Hearing or report" refers to files that proceeded to inquiry and/or a report was issued.

99% OF ALL COMPLAINTS WERE RESOLVED WITHOUT A FORMAL HEARING OR REPORT IN 2012-13.

OUTCOME OF ACCESS COMPLAINTS RESOLVED IN 2012-13, PIPA

TYPE	INVESTIGATION	NO INVESTIGATION	HEARING OR REPORT	TOTAL
Adequate Search	7	2	0	9
Duty	18	6	0	24
Fees	5	4	0	9
Time Extension by Org	1	0	0	1
TOTAL	31	12	0	43

"Adequate search" means failure to conduct an adequate search for records. "Duty" means failure to fulfill any duty required except adequate search. "Fees" means unauthorized or excessive fees assessed by the public body or private organization. "Time extension" means unauthorized time extension taken by public body or private organization.

More complex files are assigned to our team of investigators for detailed analysis. Typically these are files where there is disagreement or doubt about the meaning of a provision in FIPPA or PIPA, the applicant has asked us to address several different issues, or there appears to be communication difficulties between the parties to the dispute.

A high percentage of our mediations are successful, meaning that both or all parties to the dispute express satisfaction with the result. Parties that are not satisfied may request a formal inquiry by the Commissioner or her delegated adjudicator. Such requests may occur where one of the parties disagrees with the investigator's conclusion, or if a public body or organization declines to accept the investigator's suggestion for remedial action.

The person conducting the inquiry has no knowledge of anything that transpired during the mediation phase. The parties to the dispute are invited to make submissions to the inquiry. Potentially affected third parties and intervenors may be invited to do so as well.

OUTCOME OF PRIVACY COMPLAINTS RESOLVED IN 2012-13, FIPPA

TYPE	INVESTIGATION	NO INVESTIGATION	HEARING OR REPORT	TOTAL
Accuracy	0	0	0	0
Collection	10	7	0	17
Correction	8	5	0	13
Disclosure	38	19	0	57
Retention	2	0	0	2
Use	3	2	0	5
Protection	6	1	0	7
TOTAL	67	34	0	101

"Accuracy" means where personal information in the custody or control of a public body is inaccurate or incomplete. "Collection" means the unauthorized collection of information. "Correction" means refusal to correct or annotate information in a record. "Disclosure" means unauthorized disclosure by a public body or private organization. "Retention" means failure to retain information for the time required. "Use" means unauthorized use by the public body or private organization. "Protection" means failure to implement reasonable security measures.

54% OF ALL COMPLAINTS RESOLVED IN 2012-13 WERE ABOUT THE DISCLOSURE OF PERSONAL INFORMATION – ALL OF THEM WERE RESOLVED WITHOUT THE NEED FOR A FORMAL HEARING OR REPORT.

OUTCOME OF PRIVACY COMPLAINTS RESOLVED IN 2012-13, PIPA

TYPE	INVESTIGATION	NO INVESTIGATION	HEARING OR REPORT	TOTAL
Collection	16	7	2	25
Correction	5	1	0	6
Disclosure	35	12	0	47
Retention	0	0	0	0
Use	5	3	0	8
Protection	6	0	0	6
TOTAL	67	23	2	92

The result of an inquiry is a written and legally binding order that analyzes the facts, issues and application of the law and provides the rationale for the decision. All orders are posted on our website immediately after they are issued. Any party affected by an OIPC order who disagrees with the order may apply to the Supreme Court of British Columbia for judicial review.

While our role in responding to complaints and requests for review can have significant positive outcomes for aggrieved individuals and for the public interest, the benefits are dependent on an individual filing a complaint or request for review. In order to achieve a broader impact in heightening awareness of compliance with FIPPA and PIPA, our office combines a reactive role with a proactive approach, in which we initiate comprehensive assessments of public body or organizational policies and programs. To this end, our policy and technology division conducts systemic investigations and

YEAR IN NUMBERS

OUTCOME OF REQUESTS FOR REVIEW RESOLVED IN 2012-13, FIPPA

TYPE	MEDIATED / RESOLVED	HEARING OR REPORT	TOTAL
Deemed refusal	86	10	96
Deny Access	70	11	81
Notwithstanding	1	1	2
Partial Access	310	26	336
Refusal to confirm or deny	4	0	4
Scope	5	0	5
Third Party	25	18	43
TOTAL	501	66	567

"Mediated/resolved" includes files that were mediated, withdrawn, referred back to public body, a consent order was issued for a deemed refusal, or other decision by the Commissioner was made. "Hearing or report" includes files that proceeded to inquiry and/or a report was issued.

TWO-THIRDS OF ALL PIPA REQUESTS FOR REVIEW ARE DEEMED REFUSAL FILES, WHICH MEANS THE ORGANIZATION DID NOT RESPOND TO A REQUEST FOR RECORDS WITHIN THE TIMELINES SPECIFIED IN THE LAW.

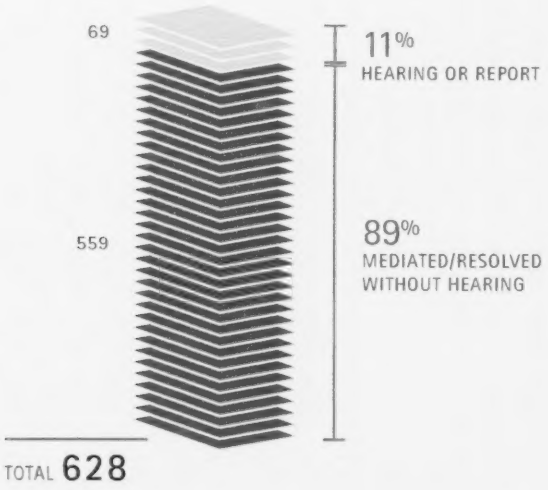
OUTCOME OF REQUESTS FOR REVIEW RESOLVED IN 2012-13, PIPA

TYPE	MEDIATED / RESOLVED	HEARING OR REPORT	TOTAL
Deemed refusal	39	1	40
Deny Access	13	1	14
Notwithstanding	0	0	0
Partial Access	5	1	6
Refusal to confirm or deny	1	0	1
Scope	0	0	0
Third Party	0	0	0
TOTALS	58	3	61

"Mediated/resolved" includes files that were mediated, withdrawn, a consent order was issued for a deemed refusal, or other decision by Commissioner was made. "Hearing or report" includes files that proceeded to inquiry and/or a report was issued.

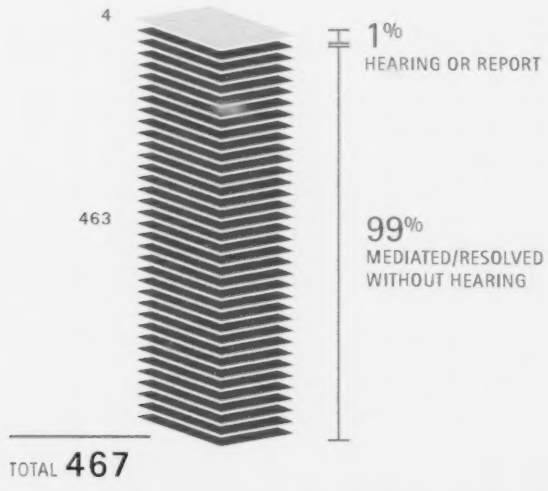
reviews, which are applicable to a single public body or private organization but are intended to be applicable to all public bodies and organizations across the spectrum. Our office also invests in public education and outreach activities including workshops, speaking engagements and conference presentations to engage citizens in a dialogue about their rights, and advise public bodies and organizations about their responsibilities in law.

OUTCOME OF ALL REQUESTS FOR REVIEW RESOLVED BY THE OIPC (FIPPA AND PIPA) IN 2012-13



OIPC STAFF RESOLVED A TOTAL OF 1,095 COMPLAINT AND REQUEST FOR REVIEW FILES IN 2012-13.

OUTCOME OF ALL COMPLAINTS RESOLVED BY THE OIPC (FIPPA AND PIPA) IN 2012-13



APPENDIX A: FINANCIAL REPORTING

AUTHORITY

The Information and Privacy Commissioner is an independent Officer of the Legislature. The Commissioner's mandate is established under the *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Personal Information Protection Act (PIPA)*. FIPPA applies to more than 2,900 public agencies, and accords access to information and protection of privacy rights to citizens. PIPA regulates the collection, use, access, disclosure and retention of personal information by more than 300,000 private sector organizations.

The Commissioner has a broad mandate to protect the rights given to the public under FIPPA and PIPA. This includes: conducting reviews of access to information requests, investigating complaints, monitoring general compliance with the Acts and promoting freedom of information and protection of privacy principles.

In addition, the Commissioner is the Registrar of the Lobbyist Registry program and oversees and enforces the provisions under the *Lobbyists Registration Act*.

Funding for the operation of the Office of the Information and Privacy Commissioner is provided through a vote appropriation (Vote 5) of the Legislative Assembly and by recoveries for OIPC-run conferences. The vote provides separately for operating expenses and capital acquisitions. All OIPC payments are made from, and funds are deposited to, the Province's Consolidated Revenue Fund. Any unused appropriation cannot be carried forward for use in subsequent years.

SIGNIFICANT ACCOUNTING POLICIES

These financial statements have been prepared in accordance with Canadian generally accepted accounting principles and reflect the following significant accounting policies:

a. *Accrual basis*
The financial information is accounted for on an accrual basis.

b. *Gross basis*
Revenue, including recoveries from government agencies, and expenses is recorded on a gross basis.

c. *Recovery*
A recovery is recognized when related costs are incurred.

d. *Expense*
An expense is recognized when goods and services are acquired or a liability is incurred.

e. *Net Book Value*
Net Book Value represents the accumulated cost of capital assets less accumulated amortization.

f. *Statement of Cash Flows*
A statement of cash flows has not been prepared as it would provide no additional useful information.

g. *Capital Assets*
Capital assets are recorded at cost less accumulated amortization. Amortization begins when the assets are put into use and is recorded on a straight-line basis over the estimated useful lives of the assets, as follows:

Computer hardware and software	3 years
Furniture and equipment	5 years
Tenant Improvements	5 years

VOTED, UNUSED AND USED APPROPRIATIONS

Appropriations for the OIPC are approved by the Legislative Assembly of British Columbia and included in the government's budget estimates as voted through the *Supply Act*. The OIPC receives approval to spend funds through separate operating and capital appropriations. Any unused appropriations cannot be used by the OIPC in subsequent fiscal years and are returned to the Consolidated Revenue Fund. The following is a summary of voted, unused and used appropriations (unaudited):

	2013		2012	
	Operating	Capital	Operating	Capital
Appropriation	$5,396,000.00	$45,000.00	$4,906,000	$45,000
Other amounts	$0	$0	$0	0
Total appropriation available	$5,396,000.00	$45,000.00	$4,906,000	$45,000
Total operating expenses	-$5,097,825.14	-	-$4,785,148	-
Capital acquisitions	-	$32,972.02	-	-$34,258
Unused appropriation	**$298,549.88**	**$12,027.98**	**$120,852**	**$10,742**

LEAVE LIABILITY

The government changed its policy regarding responsibility for vacation and leave entitlement liability effective April 1, 2006. As of that date, the OIPC was responsible for funding leave expenses from its appropriation. Accumulated leave liability related to vacation and other leave entitlements for the 2012/13 fiscal year was $62,389.29. This was funded in Operating Expenses and was paid through the province's Leave Liability Account.

CAPITAL ASSETS

The following is a summary of capital assets (unaudited):

	2013			2012
	Cost	Accumulated Amortization	Net Book Value	Net Book Value
Computer Hardware and Software	$202,673	-$174,834	$27,840	$32,740
Tenant Improvements	$552,302	-$257,741	$294,561	$405,021
Furniture and Equipment	$76,544	-$35,489	$41,056	$31,107
	$831,520	**-$468,063**	**$363,457**	**$468,868**

APPENDIX A: FINANCIAL REPORTING

LEASEHOLD COMMITMENTS

The OIPC has a leasehold commitment to 947 Fort Street Holdings for building occupancy costs in which a total of $521,490.18 was paid out in fiscal 2012/13. Payments to 947 Fort Street Holdings for office space for fiscal 2013/14 are estimated at $560,481.55..

PENSION AND RETIREMENT BENEFITS

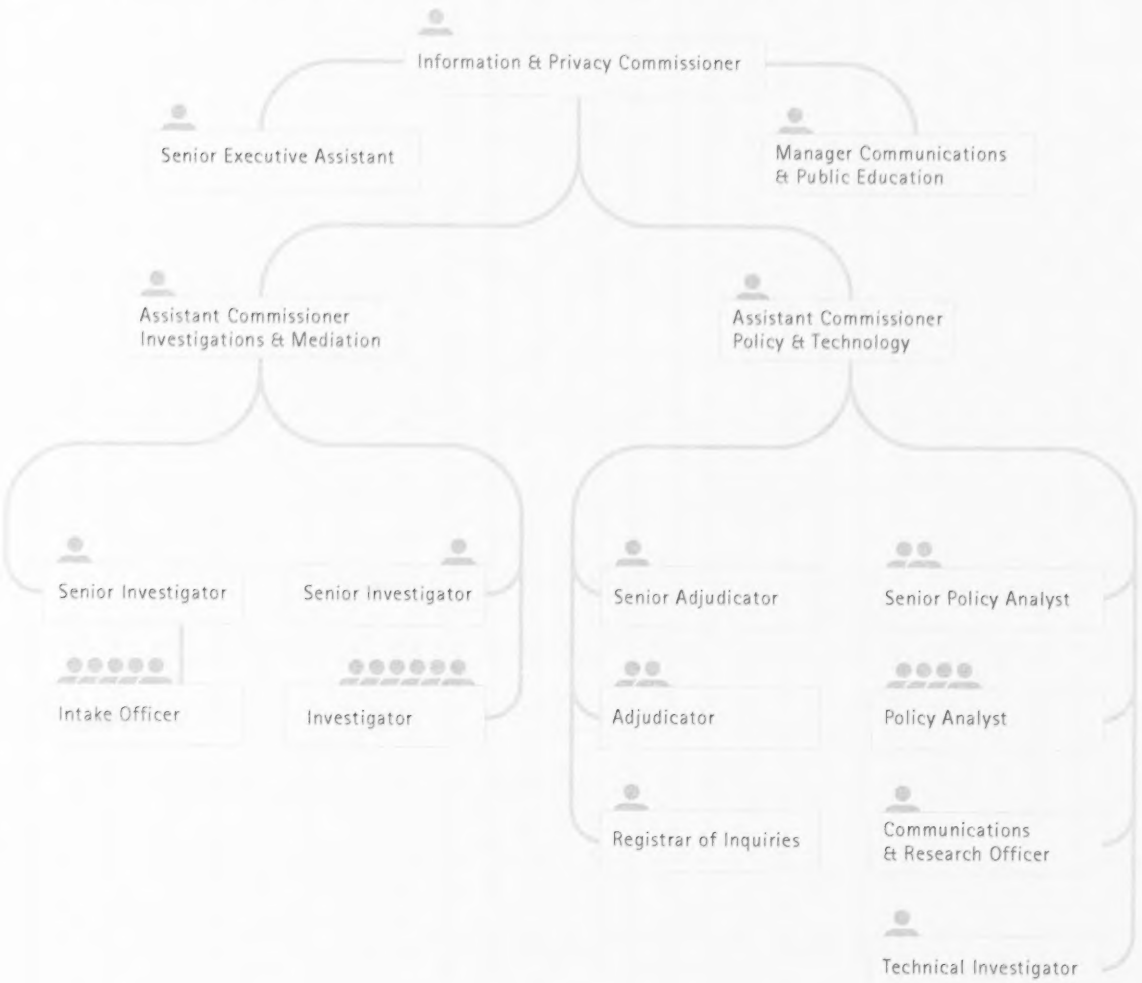
The OIPC and its employees contribute to the Public Service Pension Plan ("Plan") in accordance with the *Public Sector Pension Plans Act*. The Plan is a multi-employer, defined benefit and joint trusteeship plan, established for certain British Columbia public service employees. The British Columbia Pension Corporation administers the Plan, including paying pension benefits to eligible individuals.

The plan is contributory, and its basic benefits are based on factors including years of service and earnings. Under joint trusteeship, the risks and rewards associated with the plan's unfunded liability or surplus is shared between the employers and the plan members and will be reflected in their future contributions.

An actuarial valuation is performed every three years to assess the financial position of the plan and the adequacy of the funding. Based on the results of the valuation, contribution rates are adjusted.

The OIPC also pays for retirement benefits according to conditions of employment for employees excluded from union membership. Payments are made through the province's payroll system. The cost of these employee future benefits is recognized in the year the payment is made.

APPENDIX B: ORGANIZATIONAL CHART



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APPENDIX C: RESOURCES

Resources for public bodies and private organizations

Getting started

OIPC policies and procedures ("FIPPA")
A guide to PIPA for business and organizations
Time extension guidelines for public bodies
Early notice and PIA procedures for public bodies

Privacy breaches

Key steps to responding to privacy breaches
Breach notification assessment tool
Privacy breach policy template
Privacy breach checklist

Technology

Cloud computing guidelines (public and private sector)
Good privacy practices for developing mobile apps
Guidelines for overt video surveillance in the public sector
Guidelines for overt video surveillance in the private sector
Securing Personal Information: A Self-Assessment Tool
Use of personal email accounts for public business

Privacy (General)

Accountable privacy management in BC's public sector
Getting accountability right with a privacy management program
Guidelines to develop a privacy policy
Privacy proofing your retail business
Protecting personal information away from the office
Privacy guidelines for landlords and tenants
Privacy emergency kit
Privacy guidelines for strata corporations and strata agents

Employer/Employee issues

FAQs on the hiring process
Guidelines for social media background checks

To request copies of these resources, or to get more information about B.C.'s access and privacy laws, email info@oipc.bc.ca or visit www.oipc.bc.ca

OUR VISION

A community where privacy is valued, respected and upheld in the public and private sectors;

A community where access to information rights are understood and robustly exercised;

A community where public agencies are open and accountable to the citizenry they serve.

Office of the
Information & Privacy
Commissioner
for British Columbia

Protecting privacy. Promoting transparency.

Office of the Information and Privacy Commissioner for British Columbia

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